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6 THE UNITED STATES OF AMERICA,

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Plaintiff,

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3:17CR45

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BENJAMIN FAULKNER,

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Defendant

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Before: HONORABLE JOHN A. GIBNEY, JR.
United's States District Judge

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September 15, 2017

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Richmond, Virginia

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GILBERT F. HALASZ
Official Court Reporter
U. S. Courthouse
701 East Broad Street
Richmond, VA 23219

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APPEARANCES

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Jessica D. Aber, Esq.

Assistant United States Attorney

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Elham Peirson, Esq.

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Cary B. Bowen, Esq.

For the defendant

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The Defendant

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In his own proper person

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1 THE CLERK: Case number 3:17 CR 45.

2 The United States of America versus Benjamin
3 Faulkner.

4 Jessica Aber and Elham Peirson represent the United
5 States.

6 Cary Bowen represents the defendant.

7 Are counsel ready to proceed?

8 MS ABER: United States is ready.

9 MR. BOWEN: We are, sir.

10 THE COURT: All right.

11 Good morning to Ms Peirson again, Mrs. Aber again,
12 and Mr. Bowen, and Mr. Faulkner. Good morning, sir.

13 All right. We are here today for Mr. Faulkner's
14 sentencing. Have you had a chance to go over the
15 presentence report with Mr. Faulkner?

16 MR. BOWEN: I have, sir.

17 THE COURT: All right.

18 Do you have any objections to it?

19 MR. BOWEN: We have resolved them, sir.

20 THE COURT: Good. Thank you.

21 All right. Do you have any objections to it,
22 Ms Aber?

23 MS ABER: No, Your Honor.

24 THE COURT: All right. Here is how it guidelines
25 work out in this case.

1 The base offense level is 42, which consists of 32
2 points for the base offense, plus four because there is a
3 minor under 12, plus two because there was sexual contact
4 involved, plus two because there was distribution of the
5 images, plus two because there was a computer involved.
6 He gets give points adjustment or enhancement for sexual
7 conduct in this case, which makes him 47. The government
8 has moved for the third point off for acceptance, so he
9 gets three points off for acceptance of responsibility,
10 which would ordinarily lead to a level 44. But 43 is the
11 maximum, so it is.

12 He has no criminal history points. So he is category
13 one.

14 The guideline sentence range is life. And that, of
15 course, is advisory only.

16 I have received a number of letters in this case. I
17 have received letters from his parents, his two sisters,
18 from his grandparents, from his maternal grandmother, from
19 his uncle, from his second cousin, from his pastor and
20 from a family friend, whose name is -- I don't know what
21 his name is. I misplaced that letter. I apologize that I
22 don't know. Oh. Les Downes is who that is. Okay.

23 All right. Essentially what those letters say is
24 that Mr. Faulkner was a good and helpful person to others;
25 that he grew up in a normal life with a normal family.

1 That his family is important to him, and he has always
2 demonstrated that. That he -- the people are surprised
3 that there is another side to him. And, candidly, they
4 didn't see that as he was growing up because he had a life
5 that was pretty normal, and that he gave all the
6 indications of being, as somebody said, "the boy next
7 door."

8 I also have received statements from the grandmother
9 and mother of the victim in which they discuss the
10 devastating effect of this offense on the victim, the
11 child, and essentially the horror inherent in the offense
12 in this case.

13 I thank them for that. And I thank all the family
14 members as well.

15 Mr. and Mrs. Faulkner, Sr., you are here today, and I
16 thank you both for coming. I know it means a lot to your
17 son to have you here on a difficult day for him.

18 All right. Do you have any witnesses?

19 MS ABER: Yes, Your Honor.

20 THE COURT: What do you have?

21 MS ABER: The government calls Megan Blohm to the
22 stand.

23 THE COURT: How do you spell the last name?

24 MS ABER: B-L-O-H-M.

25 THE COURT: Okay. Blohm. Thank you.

Blohm - direct

6

1 Thank you for coming today, ma'am.

2 MEGAN BLOHM

3 WAS SWORN AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE COURT: All right.

6 Thank you for coming today.

7 BY MS ABER:

8 Q Your Honor, Ms Blohm is a victim in this matter and
9 she would like to read the statement she provided to The
10 Court. Thank you.

11 THE COURT: Before you do that, tell me where you
12 came from.

13 THE WITNESS: Austin Texas.

14 THE COURT: From where?

15 THE WITNESS: Austin, Texas.

16 THE COURT: Well, thank you for coming all that
17 distance. I appreciate it. All right, Ms Blohm, tell me
18 whatever it is you want to tell me.

19 THE WITNESS: Okay, Your Honor.

20 THE COURT: Do you have a written statement, ma'am?

21 THE WITNESS: I do. I wrote a letter.

22 THE COURT: Would you like to give that to me?

23 THE WITNESS: I would prefer to read it if possible.

24 THE COURT: Okay.

25 THE WITNESS: Your Honor, October 7th, 2016 will

Blohm - direct

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1 forever be the worst day of my life.

2 We had been contacted by agents from Homeland
3 Security who informed us that my cousin, somebody I
4 considered extremely close, had recently been arrested and
5 charged for something, but he had, in addition, confessed
6 to violating and photographing both our two-year old
7 daughter and our eight-month old son.

8 I was shocked, horrified, disgusted. My thoughts
9 raced. They were only babies. They are completely
10 defenseless. They didn't speak. They were without words.

11 I treated my cousin as a brother. He knew I had
12 trust issues. He worked with children. He told me he
13 wanted to become a foster parent.

14 I was shocked. I didn't know how many victims there
15 could possibly be here, like what was the shear magnitude,
16 how could this happen? Any bit of trust I had in people
17 around me is instantly dissipated. My family was
18 shattered. My trust in my own mother instincts gone. The
19 gents were talking, but I heard nothing.

20 Images pulled from a folder. They had photos of our
21 babies in our own living room, in our little one's
22 bathroom. And any chance for disbelief was immediately
23 stripped away. It was real and absolutely terrifying. My
24 life would never be the same.

25 This, unfortunately, was only the beginning of the

Blohm - direct

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1 nightmare, because we were told we had to go home and pick
2 up the babies.

3 Extreme nausea, anxiety, set in as we packed them up.
4 We pulled up to CPS headquarters. I heard from an insight
5 class big trauma versus little. This is my first exposure
6 to a big trauma.

7 Cortisone, maximum levels, fight versus flight.
8 These feelings obviously stay with me to this day. The
9 situation was just starting to permeate as the advocates
10 started handing me brochures about children and sexual
11 abuse. Still didn't hear much of what she was saying.
12 This was real. I wish I didn't believe this was real.

13 All of these strangers in the room knew more than I
14 did. How could this happen?

15 They had the forensic interview set up for a two-year
16 old daughter. Nearly two years old. She could barely put
17 two words together. My daughter was still a baby in
18 diapers and had never gone anywhere without me.

19 THE COURT: This is the two-year old?

20 THE WITNESS: The two-year old.

21 I now trusted no one, and there were strangers about
22 to take my littlest toddler away to a different room to be
23 interviewed about incidents I still barely knew anything
24 about.

25 I mustered strength from the depths of my core. What

Blohm - direct

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1 would she say? She was so tiny. Was she hurt? How could
2 I not know? What had happened in near moments while my
3 back was turned in my own home?

4 The agents took her back by the hand with a pacifier
5 and her blanky. I, the self-proclaimed helicopter mom,
6 had failed to protect my own babies under my own roof, and
7 now I am lying to her and reassuring that everything is
8 okay when in fact I was petrified. I still at this point
9 didn't know exactly what had happened to her.

10 The anguish I felt as a mother was only exacerbated
11 in the following day as my babies next endured medical
12 examinations.

13 He tried to receive oral sex from one of the kids,
14 the doctors say. We have to send you elsewhere after this
15 for lab. This kept getting worse. We had to object to
16 having more photographs of their genitals taken under
17 bright lights. My toddler was beyond scared and confused.
18 I comforted them each as they were poked and prodded for
19 blood and urine samples, again, by strangers. Bags taped
20 to their genitals. I had no clue how to explain this to a
21 two-year old, how to explain why any of that was happening
22 to her.

23 I received disapproval at the lab and was forced to
24 explain to a nurse why my eight-month old baby and my
25 two-year old were being tested for so many STDs. No

Blohm - direct

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1 parent should have to endure this.

2 As time progressed my feelings shifted from shock to
3 anger. Rage. This is my cousin. We gave him employment
4 and a place to live before we ever had children. He and I
5 sat together at the hospital for days as my grandfather
6 was dying. I helped him buy clothes. I helped him with
7 social awkwardness. I gave him life advice. I confided
8 in him about the pain of losing my parents. He told me he
9 wanted to become a foster parent. This is the absolute
10 last person I would ever, ever, expect to hurt by babies,
11 to hurt our entire family irreparably this way.

12 My reality at every level came crashing down as I
13 realized the purpose of his visit to us had to be groom us
14 for future visits.

15 Within weeks I dropped weight, almost twenty pounds,
16 and struggled with digestive issues and sleeplessness from
17 all the stress and nightmares. This is a big dirty secret
18 I felt I have had to keep from friends, neighbors, our
19 entire community for fear of judgment.

20 I will be forever processing the full magnitude and
21 scale of how this really affected me and the people I care
22 about. This is actually the first public acknowledgment
23 of any of this. And now our family is tarnished with this
24 filth.

25 Relationships strained. I can't see my family

Blohm - direct

11

1 without being reminded of him and this nightmare. I am
2 disturbed that so much virtuosity was wasted on this
3 horrific calculated agenda.

4 I am saddened that my encouragement, love and praise
5 for my cousin did not sway him from exploiting the
6 implicit trust he was given in our home. Disappointed
7 that as an adult he consciously chose to exploit, abuse,
8 deceive, and prey upon helpless babies, children and their
9 trusting parents as opposed to asking for or getting help.

10 I can confidently say that because of what Benjamin
11 Faulkner has done my entire world has been tainted. I am
12 forever changed, despite over 50 hours with a therapist
13 the last year. I still don't trust my family members,
14 friends, caregivers, my kids' teachers. I am always
15 terrified to show my children on social media for fear it
16 will be photo shopped and shared by other pedophiles. I
17 have repeated nightmares this will happen again. And my
18 home is scene of a crime.

19 These sweet moments with my toddlers are forever
20 haunted by what happened there. I have to live knowing
21 there are images of my babies floating around on the
22 internet forever. And I couldn't do anything to prevent
23 it.

24 When he abused our babies he stole a piece of my
25 soul. Please, please, think of me and my babies as you

Blohm - direct

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1 sentence this person to prison. Keep in mind that this
2 individual made a calculated effort to prey on family
3 members. Not just any family members, but somebody he had
4 a bond with. Somebody who helped him and looked out for
5 him. The distance that he traveled to do this speaks
6 volumes about his inability to control himself. We will
7 never be able to take back what he chose to do to us, our
8 family, and many other victims. My heart truly goes out
9 to them. We are with them, and we are fighting every day
10 with them.

11 And finally, I want to thank everyone for your time
12 and attention. Most importantly, I really want to thank
13 you from the bottom of my heart, the agents and
14 investigators, the heros who helped keep my babies safe
15 from further prolonged, possibly much worse, harm. I find
16 refuge after this tragedy in the fact there are good guys
17 like all of you out there working tirelessly to heap us
18 safer. Thank you. God bless.

19 THE COURT: Let me ask a couple questions.

20 THE WITNESS: Sure.

21 THE COURT: Did you say that your child was at child
22 protective services?

23 THE WITNESS: Once the Homeland Security agents
24 contacted us we took them over to the CPS headquarters for
25 forensic interview.

Blohm - direct

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1 THE COURT: Okay. All right.

2 And Mr. Faulkner is your cousin?

3 THE WITNESS: My cousin, yes. His mother is my
4 father's sister.

5 THE COURT: Okay.

6 And, you know you used the word "tarnished" to refer
7 to yourself and your family. The only way in the world
8 you can be tarnished is to tarnish yourself. And you
9 haven't done that. And your babies haven't done that.
10 You are not tarnished. They are not tarnished. And I
11 hope you will remember that.

12 THE WITNESS: Thank you.

13 THE COURT: And let me say this. You indicated as
14 well that you have issues with members of your family.
15 They are not tarnished either. Okay? You only get one
16 family.

17 THE WITNESS: Certainly strained.

18 THE COURT: You know there are people out there in
19 the audience -- I know it is hard for you to face them --
20 but they are your family. And they are not any more at
21 fault at this than you are. Okay?

22 All right. Thank you, ma'am.

23 Do you have any other questions?

24 MS ABER: No, Your Honor.

25 THE COURT: Do you have any questions?

R. Blohm - direct

14

1 MR. BOWEN: No, thank you.

2 THE COURT: Thank you for coming that distance. You
3 live in a very lovely town. Austin is a nice place. I
4 took a vacation there once.

5 Do you have anybody else?

6 (The witness stood aside)

7 MS ABER: If I could have one moment, Your Honor.

8 THE COURT: Take your time.

9 MS ABER: The government calls Robert Blohm.

10 THE COURT: All right.

11 ROBERT BLOHM

12 WAS SWORN AND TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION

14 BY MS ABER:

15 Q Sir, please introduce yourself to The Court.

16 A My name is Robert Blohm.

17 Q How do you spell the last name?

18 A B-L-O-H-M.

19 Q Are you related to Ms Blohm who just testified?

20 A Yes.

21 Q How so?

22 A Husband.

23 Q So that makes you the husband of Mr. Faulkner's
24 cousin; is that right? Cousin-in-law?

25 A Correct.

R. Blohm - direct

15

1 Q Okay.

2 Did you also travel here from Texas today?

3 A Correct.

4 Q Tell The Court anything you would like to say before
5 he imposes a sentence.

6 A I am not as prepared as my wife, but I did feel
7 compelled to come up here.

8 The impact to us isn't what it was to the grandmother
9 or mother of the other child by any stretch, but to
10 reiterate what my wife shared, it was, you know,
11 incredibly hard to go through this, to watch my wife deal
12 with this, to understand and take solace in the fact I
13 think we did dodge a larger bullet than what others have
14 been impacted by it. But knowing that, you know, we
15 placed our trust in somebody, brought them in our home,
16 and gave them employment, you know. Understanding that
17 this evil was there and that we weren't able to stop it,
18 you know, will leave an impression on us and our family.

19 And I think it is worth reiterating that, you know,
20 an individual who pre-meditatedly takes steps to take
21 advantage of family members, to think in advance about
22 grooming, and the idea that what could have happened had
23 these agents not stopped them when they did is, you know,
24 amazing.

25 I worked in the Federal Court in Arizona for a couple

R. Blohm - direct

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1 years and worked in the file room. And you have that
2 sealed room where the victims' names are. And, you know,
3 it is always on the outside. You don't think about it.
4 You know it is horrific, you know it is evil, but to have
5 it visit your house and in your home is something at
6 another level.

7 So, I don't know what the cure is for it. I have no
8 conception of how to adjust to it or get people through
9 what they deal with, but I would offer that it has been
10 impactful to us, even though it has not been to the level
11 that, obviously, the other family has gone through. So,
12 with that said, I just think that is maybe all I wanted to
13 offer.

14 THE COURT: Tell me about -- both you and your wife
15 referred to giving employment. I didn't quite understand
16 that.

17 THE WITNESS: So when I first met Mr. Faulkner it was
18 up in Canada. He was struggling to get work stuff going.
19 I gave him guidance on starting a company. I offered an
20 opportunity to come down. I was a partner in a consulting
21 firm. I told him if he would like to come down I could
22 get him some work. So he obviously has computer skills.
23 So we put him on staff under our director of IT. And, you
24 know, he did work there, and he lived at our house. And
25 then he made an effort to come back after we had kids.

R. Blohm - direct

17

1 You know. What do you do? Right? You don't think
2 anything about it. Then when the agents show up and show
3 you those pictures and the fact they are out there on the
4 web, you know, it is, like, you are kidding me. You know.
5 And, like I said, the only thing that is a saving grace is
6 I think we did dodge a bigger bullet, you know. But at
7 the same token, it was like it was one step away from
8 getting to where those other families were.

9 THE COURT: All right. Thank you, sir.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Any other questions?

12 MS ABER: No, Your Honor.

13 THE COURT: Do you have any questions?

14 MR. BOWEN: No.

15 THE COURT: Thank you, sir. Thank you for coming.

16 Have a safe trip back.

17 (Witness stood aside)

18 Do you have any other witnesses?

19 MS ABER: No.

20 THE COURT: Do you have any witnesses?

21 MR. BOWEN: We do not, sir.

22 THE COURT: All right.

23 Well, I will hear the government then on the motion
24 for a variance of the 3553(a) factors and the appropriate
25 sentence in this case.

1 MS ABER: Yes, Your Honor. Thank you.

2 I will not rehash what I previously argued to The
3 Court, because I think the arguments for Mr. Falte apply
4 equally to Mr. Faulkner, and also the sentencing position
5 we have filed in the sealed pleadings.

6 I would like to clarify one thing that I said. I
7 said that Mrs. Blohm is a victim. They certainly are
8 victims of Mr. Faulkner.

9 THE COURT: I understand they are not victims in the
10 legal sense.

11 MS ABER: They are relevant conduct victims, and I
12 think that goes to Mr. Faulkner's personal
13 characteristics.

14 THE COURT: Goes to his culpability.

15 MS ABER: Exactly. And likelihood of recidivism.

16 I would urge The Court, though, to consider that the
17 matters in the sealed pleadings do provide a basis to
18 support Mr. Faulkner, the good he has done, so for that
19 reason a sentence short of life imprisonment gives him
20 credit for that, and that is why the government seeks
21 that.

22 THE COURT: Okay.

23 MS ABER: Thank you.

24 THE COURT: Thank you very much.

25 All right. Mr. Bowen.

1 MR. BOWEN: What a fine place to be this morning.

2 THE COURT: What is that?

3 MR. BOWEN: What a fine place to be this morning.

4 While it is on my mind, and after Ms Aber mentioned
5 it, as soon as Mr. Faulkner was arrested he took whatever
6 steps he could to not just expiate his sins, if you will,
7 but to lend assistance, the kind of rule 35 assistance we
8 all look for to aid the government in prosecuting other
9 crimes. He was in a peculiar situation, I think that the
10 government will agree, to share inside information about
11 how to go about stopping some of what he had done.

12 And met again with the government on a later date to
13 try to further that. And has remained available to do
14 that.

15 That being said, it is a tough situation. Nobody,
16 not Mr. Faulkner or anybody else, asked to be born with
17 this type of disease. It is just not -- nobody asked to
18 be born this way. And he is, of course, ever since he was
19 ten or nine, he knew something was wrong and that he
20 wasn't normal.

21 And because of -- in the certain way Ms Blohm touched
22 on, too, the ability to get this out in the open is
23 like -- to be able to confess your sins -- not in her
24 case -- but to at least share the agony with the public in
25 some way is a great benefit. Mr. Faulkner and his parents

1 have been able to speak candidly, probably for the first
2 time ever, because of this, the deep sin, the moral
3 problem of it. You know, he knew it. He knew it was
4 wrong. He took steps from time to time to do something
5 about it. But like other addictions, he just wasn't
6 strong enough, willing enough, I don't know what, to get
7 it done, to stop. And so here we are.

8 It is a schizophrenic life, if you will. I think Ms
9 Aber commented on it, maybe you did, that, you know, you
10 see one picture of Mr. Faulkner. It is like the boy next
11 door, you know, helpful to the neighbors, helpful to
12 people, law abiding. And then we have this disease part
13 that nobody even knows about. It is kind of -- there is a
14 movie called Crocodile Dundee -- it sounds kind of trite
15 in a way -- but a line there, somebody says, well, you
16 just tell Wally your problem and everybody will know about
17 it and you won't have to get a psychiatrist. Nobody told
18 Mr. Faulkner that. So, this is where we are.

19 There is nothing we can say to minimize the thrust of
20 the pain that these people feel. Appropriately so. There
21 is noting that we can do to minimize the breach of trust
22 to society. This is an educated, bright, young man and
23 there is no excuse for that.

24 The Bureau of Prisons probably has, I can only
25 imagine that they have some hope for him. But I don't

1 hold out great hope. In fact, The Court earlier in
2 Mr. Falte's case was talking about deterrence. It is a
3 Christian myth according to a lot of people. It sounds
4 good, perhaps you are right that it works with white
5 collar crimes, but the people with addictive behavior it
6 is not enough until they cure the disease. He has got to
7 fight that for the rest of his life, however long that is.

8 We don't chose to speculate about how long
9 Mr. Faulkner will live, what kind of treatment he might
10 get, where he will be landed once he's classified, but I
11 dare say that no matter what The Court does -- and let me
12 just say this, the reason why we took the position we did
13 about thirty years versus fifty years wasn't to say thirty
14 years was the right sentence or that forty years or fifty
15 years was, we took that as a way to differentiate what the
16 government was asking while at the same time appreciating
17 they were not asking for a life sentence.

18 And so, I don't know that any of us are smart enough
19 to know exactly what the right sentence is. That is why
20 you get paid the big bucks to kind of try to delineate
21 that. I may be the only person in the room right now who
22 actually argued for life before, you know, rather than the
23 death penalty, and here I am by contrast.

24 So the enormity of the situation, much as to the
25 victims, but to Mr. Faulkner and to his family, is such

1 that he won't, no matter what you do, Your Honor, what you
2 sentence him to today, won't sink in today. The enormity
3 of that will kind of gradually sink in. He will leave
4 here today for Nashville where he will be prosecuted for
5 similar offenses in Federal Court in Nashville.

6 THE COURT: Is that case set for trial?

7 MR. BOWEN: I don't believe it is. We have a rule 5
8 hearing when we leave this morning, and then I guess he
9 will be sent to Tennessee pretty quickly.

10 But, the point is, Mr. Faulkner will be classified.
11 And he will be tested, you know. And then he is going to
12 enter to a population he has never known before. So the
13 enormity of the situation will continue. Maybe several
14 years down the road Mr. Faulkner will be able to calm down
15 a little bit and say, hum, can I make plans for a future?
16 Whatever you give him, if you give fifty, if you give him
17 life, or thirty years, he is still going to have to have
18 to make plans for what he is going to do. It is going to
19 be difficult. Not looking for sympathy, nor is he asking
20 for it.

21 But being the optimist that I am, it is nice to think
22 maybe he can do good for other people. He is a bright
23 young man, and I hope that, I hope that he continues to
24 realize that the bank account he has is sitting back
25 there. He really doesn't have much, you know. So I hope

1 that he continues to realize the value of his family. And
2 that he makes plans for the future, whatever Your Honor
3 chooses to do today. And does something to make the best
4 of a terrible situation.

5 That is all I can ask you to do, sir.

6 THE COURT: Thank you very much.

7 Any response to that?

8 MS ABER: No, Your Honor.

9 THE COURT: All right.

10 Mr. Faulkner, when you were hear before I said that
11 before I impose sentence you would have an opportunity to
12 stand up and tell me anything you want to. Do you want to
13 speak to me? Come up to podium and I will be happy hear
14 from you. If you don't want to speak to me you don't have
15 to.

16 THE DEFENDANT: I am all right.

17 THE COURT: Thank you.

18 You may be seated. Okay.

19 Well, let me go through the 3553(a) factors and the
20 appropriate sentence in this case.

21 The nature and circumstances of the offense is the
22 first thing I am to consider. It is simply dreadful.
23 Mr. Faulkner was involved in a site or sites on the dark
24 web. He was involved with sites that involved child porn
25 trading, chat rooms where they talked about sex with

1 children, and eventually arranged sexual liaisons with
2 potential kids. He bragged on the internet how he had
3 been able to talk people out of pursuing him when he had
4 engaged in improper conduct.

5 Somewhere in that internet world he met Mr. Dix. He
6 made several trips from Canada to the Richmond and
7 Manassas area. He and Mr. Falte, and perhaps others, met
8 the child that was the victim of this case. Groomed that
9 child by befriending her with gifts and ice cream and food
10 and so forth. He touched her genitalia. He performed
11 oral sex on her. He masturbated and ejaculated on her,
12 and made videos. He and Mr. Falte made videos of their
13 misconduct. So, the nature and circumstance of the
14 offense are simply worse than the worst horror book you
15 can imagine.

16 Okay. The history and characteristics of the
17 defendant. To his credit Mr. Faulkner has essentially no
18 criminal history, or no criminal history. He is from a
19 middle class background. He has a good and loving family.
20 He has done a great deal to get himself educated. He has
21 been helpful to members of his family. Kind to them. And
22 yet there is this evil side. He touches and molests kids.
23 Uses his charm. And I remember him talking to me the last
24 time he was here. He is a charming fellow. He uses that
25 charm to calm parents down when he gets caught.

1 He is not married. He has no dependents. No
2 children.

3 Physical condition is good. He does not appear to be
4 a substance, abuser. He has, as I understand it, the
5 Canadian equivalent of master's degree or high degree in
6 computer science. He has been employed in that area
7 steadily.

8 His character, I would say that the bad
9 characteristics in him far out weigh the good ones. That
10 is about as simple as I can make it.

11 All right. The next factor that I am to consider is
12 the need for the sentence to reflect the seriousness of
13 the offense. Well, the sentencing laws passed by Congress
14 reflect the seriousness of the offense.

15 The next factor I am to consider is the need to
16 promote respect for the law. This fellow has no respect
17 for the law or anyone else. No respect at all. Traveling
18 all over the country to molest kids. Going down to Texas
19 to hit on his cousin's kids. Just sociopathic
20 egocentricity. And the worst part of it is that he leaves
21 people -- I am sure he feels regret, I am sure he wishes
22 he didn't have this problem -- but he leaves other people
23 feeling trashed. You know, God knows what will happen to
24 this little girl who was the victim of this. God knows
25 what will happen to the Blohm's cousins in Texas. God

1 knows what his parents think. They are probably wondering
2 what did we do wrong? Well, they didn't do anything
3 wrong. None of those people did anything wrong.

4 All right. The next factor is the need to provide
5 just punishment. Any punishment would be just in this
6 case and would need to be heavy, as reflected by the
7 mandatory minimum in this case.

8 The need for the sentence to perform adequate
9 deterrence is the next thing. Again, I doubt that this
10 will deter others, deter other sexual offenders. But, I
11 am not sure what opportunity he will have to commit sexual
12 crimes in the future.

13 The next factor is the need to protect the public
14 from further crimes of the defendant given that he is a
15 one-man sex crime spree. That is really important in this
16 case. Very, very important.

17 All right. The next factor is the need to give him
18 education, vocational training, and medical care and other
19 treatment. I would hope he will be assigned to a
20 correctional facility that at some stage will have
21 treatment for pedophilia. But that seems fairly relevant
22 to me.

23 All right. The kinds of sentences available.
24 Maximum of life. Mandatory minimum of thirty years.

25 I find that he is not capable of paying a fine, and

1 he is not capable of paying the -- are you retained,
2 Mr. Bowen?

3 MR. BOWEN: I have been retained, yes. Sir, yes.

4 THE COURT: Okay. All right.

5 Well, I don't think he is capable of paying the extra
6 fine that goes with -- the extra assessment that goes with
7 these kinds of cases. He is not going to have a valid
8 earning capacity for a long time.

9 I am to take into account the guidelines, which are
10 life in this case; the need to avoid sentencing
11 disparities among similarly situated defendants. Again,
12 anybody in this case would expect a long, long sentence,
13 which he will get today.

14 Next factor is the need to provide restitution.

15 In this case, as in the other one, you are not
16 seeking restitution?

17 MS ABER: That's correct, Your Honor.

18 THE COURT: Okay.

19 There will be no restitution here.

20 There are two motions for variance. The government's
21 motion for variance of fifty years is based on his
22 cooperation, which is commendable. I thank you for doing
23 that, Mr. Faulkner.

24 The other is on the fact that maybe he will be able
25 to do something good with his life if he is out a little

1 earlier. Both are from the defendant, and both of those
2 is going to be denied.

3 All right, Mr. Faulkner, please stand up.

4 Pursuant to the factors set forth forth in 18 U.S.
5 code section 3553 and the Sentencing Reform Act of 1984,
6 and having considered the Federal Sentencing Guidelines as
7 advisory, it is the judgment of The Court that you are
8 hereby committed to the custody of the U.S. Bureau of
9 Prisons for a term of life. This sentence is sufficient
10 but does not exceed the amount of time necessary to
11 achieve the goals of sentencing as set forth in 18 US code
12 section 3553. It reflects the seriousness of the offense,
13 promotes respect for the law, provides just punishment for
14 the offense, affords adequate deterrence to criminal
15 conduct, and protects the public from further crimes that
16 you may commit.

17 I will recommend that Mr. Faulkner be assigned to a
18 correctional facility as near as possible to the border
19 with Ontario Province, Canada. Does he live -- I am going
20 to reflect my lack of knowledge of Canadian geography
21 right now. As I understand, Ontario sort of goes from
22 like up near Niagara Falls all the way over to Detroit.

23 MR. BOWEN: Other than speculate, we could ask. They
24 live in shag fly country, straight north from ours to the
25 border.

1 THE COURT: Well, I will recommend that he be sent to
2 somewhere near to his -- assigned to a prison near the
3 border with Ontario.

4 If you are released from prison you will be put on
5 supervised release for a term of life. You have to report
6 within 72 hours to the custody of the Bureau of Prisons.
7 You will not commit any crimes while you are on supervised
8 release. Don't use controlled substances. You can't have
9 a gun. While on supervised release you will comply with
10 the standard conditions of supervised release as
11 recommended by the U.S. Sentencing Commission. You will
12 participate in any programs recommended -- psychological
13 programs, mental health programs -- recommended by your
14 probation officer. The cost of those programs are to be
15 paid by the government. You won't be subjected to a
16 plethysmograph. You waive any right to patient
17 confidentiality, records of mental health treatment.

18 I have considered your net worth, liquid assets, your
19 life style and financial needs, your earning potential and
20 dependents relying on your support. You are not capable
21 of paying a fine, no fine will be imposed. But you do
22 have to pay a special assessment in the amount of hundred
23 dollars which is due in full immediately if you have not
24 already paid it.

25 Okay.

1 Sir, you have 14 days to appeal this sentence to the
2 U.S. Court of Appeals for the Fourth Circuit. If you want
3 to do that, file a notice of appeal with the clerk of this
4 court. You don't have to pay a fee to do that. If you
5 are unable to hire a lawyer, they will appoint a lawyer
6 for your appeal. And if you can't get hold of Mr. Bowen
7 to do that for you, simply send a letter to the Clerk,
8 U.S. District Court, not the Court of Appeals, but here in
9 the District Court, and that will get it rolling for you.

10 I will say to you what I said to Mr. Falte a little
11 while ago, this undoubtedly looks awful to you, and it is
12 awful, what you are going to be subjected to. You are, as
13 I would recall, a very, very bright and articulate person.
14 You will be in a population of people who are not so
15 gifted. I hope that at some stage in your incarceration
16 you will be able to find a way to assist those people so
17 they can get on with their lives when they get out. I
18 hope you will find a way to be a servant to others.

19 I have arranged for you to be able to speak with your
20 family here in the courtroom for a few moments before you
21 go.

22 The Marshals will allow that to happen.

23 You are remanded to custody U.S. Marshal.

24 God bless you, sir. All right.

25 Adjourn court.

1 HEARING ADJOURNED.

2

3 THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT.

4 GILBERT FRANK HALASZ, RMR

5 OFFICIAL COURT REPORTER

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